

REMARKS

In response to the Office Action dated December 16, 2008, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claim 28 was rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Shaffer. This rejection is traversed for the following reasons.

Claim 28 recites “consulting the database to determine whether the incoming communication comprises the priority caller information, the priority caller information including a priority code submitted by the priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers.” As stated in claim 28, a priority caller is determined from a priority code. The priority code is a subscriber generated code provided to a plurality of priority callers. In other words, the subscriber determines a code to be used by callers to identify themselves as priority and provides this priority code to potential callers. More than one caller may be provided with the priority code. This feature is supported in at least paragraph [0067] of Applicants’ specification.

Dolan fails to teach this feature. Dolan uses the caller phone number to determine the priority of the call as described in column 5, lines 5-28. Dolan does not teach using a priority code as recited in claim 28. The Examiner notes that Dolan does not teach a subscriber generated priority code provided to a plurality of priority callers and submitted by a priority caller. The Examiner relies on Shaffer as allegedly teaching this feature. Shaffer teaches that locator requests for locating a called party are performed based on priority. A caller may enter a priority code or password to determine the priority given a location request (column 7, lines 4-10). Although Shaffer makes reference to a “priority code” there is no teaching that the priority code is used in the completion of a **call**. The priority code in Shaffer relates to use of a locator service and controlling how extensive the location options or efforts are. There is no teaching in Shaffer that the priority code is related to completion of a call as recited in claim 28. Thus, even if Dolan and Shaffer are combined, the elements of claim 28 do not result.

For at least the above reasons, claim 28 is patentable over Dolan in view of Shaffer.

Claims 1-3, 5-8, 11-18, 21, 23-25 and 29 were rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Shaffer and Hoopes. This rejection is traversed for the following reasons.

Claim 1 recites “a priority response comprising an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.” In applying Dolan, the Examiner acknowledges that Dolan fails to teach this feature and relies on Hoopes for teaching a priority alert ring. Applicants submit that it would not have been obvious to include a priority alert signal in the system of Dolan.

Figure 11 of Dolan describes how a subscriber handles a call based on caller priorities (column 5, lines 55-67). As shown in Figure 11, the incoming call is answered only if the caller’s priority is sufficient. If the caller’s priority is sufficient, the called party subscriber is alerted to the call and makes a decision about how to handle the call. In receiving an incoming call in Dolan, the system determines if the caller has sufficient priority prior to notifying the subscriber. Thus, there is no need for a “priority alert ring” in Dolan as all calls connected to the subscriber have already been screened to determine if the caller has sufficient priority. A priority alert ring is not needed in Dolan as the priority decision has already been made before the call is routed to the subscriber. A priority alert ring would be redundant and unnecessary in Dolan as callers lacking the requisite priority are not connected to the subscriber. In Dolan, all connected calls have the requisite priority, and thus a priority alert ring is not needed. Therefore, there is no motivation to use a priority alert ring in Dolan. Accordingly, there is insufficient motivation to combine Dolan and Hoopes as proposed by the Examiner.

Further, claim 1 recites, “the service control point determining a priority caller in response to a priority code submitted by the priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers.” In applying the references, the Examiner relies on Shaffer as allegedly teaching this feature. As discussed above with reference to claim 28, Shaffer does not teach this feature. Thus, even if Dolan, Shaffer and Hoopes are combined, the elements of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Dolan in view of Shaffer and Hoopes. Claims 2, 3 and 5-8 depend from claim 1 and are patentable over Dolan in view of Shaffer and Hoopes for at least the reasons advanced with reference to claim 1.

Claim 11 recites “the priority caller information including a priority code submitted by a priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers; and executing a priority action if the incoming call comprises the priority caller information, wherein the priority action comprises ringing a telephone associated with the telephone line with a priority alert signal that is different from a regular ringing tone.” As discussed above, the combination of Dolan in view of Shaffer and Hoopes fails to teach these features. Claims 12 and 13 depend from claim 11 and are patentable over Dolan in view of Shaffer and Hoopes for at least the same reasons.

Claim 14 recites “consulting the database to determine whether the incoming call comprises the at least one priority caller number, the priority caller number including a priority code submitted by the priority caller, the priority code being a subscriber generated code provided to a plurality of priority callers; and executing the priority action if the incoming call comprises the at least one priority caller number, the priority action comprising an action to ring a telephone associated with the telephone line with an alert signal that is different from a regular ringing tone.” As discussed above, the combination of Dolan in view of Shaffer and Hoopes fails to teach these features. Claims 15-18 depend from claim 14 and are patentable over Dolan in view of Shaffer and Hoopes for at least the same reasons.

Claim 21 recites “consulting the database to determine whether the priority code matches any of the at least one priority codes, the priority code being a subscriber generated code provided to a plurality of priority callers; and executing the priority action if the priority code matches one of the at least one priority codes, the priority action comprising an action to alert the terminating equipment associated with the telephone line with a priority alert signal that is different from a regular ringing tone, the terminating equipment comprising a telephone and a computer.” As discussed above, the combination of Dolan in view of Shaffer and Hoopes fails to teach these features. Claims 23-25 depend from claim 21 and are patentable over Dolan in view of Shaffer and Hoopes for at least the same reasons.

Claim 29 depends upon claim 28 and is patentable over Dolan in view of Shaffer and Hoopes for at least the reasons advanced with reference to claim 28.

Claims 9-10, 19-20 and 26-27 were rejected under 35 U.S.C. § 103 as being unpatentable over Dolan in view of Shaffer and Hoopes and Taylor. This rejection is traversed for the following reasons. Taylor was relied upon for allegedly disclosing TCP/IP

and VoIP telephony, but fails to cure the deficiencies of Dolan in view of Shaffer and Hoopes discussed above with reference to claims 1, 14 and 21. Taylor does not teach the use of an alert signal for priority calls or a priority code being a subscriber generated code provided to a plurality of priority callers. Claims 9-10 depend from claim 1, claims 19-20 depend from claim 14 and claims 26-27 depend from claim 21 and are patentable over Dolan in view of Shaffer and Hoopes and Taylor for at least the reasons advanced with reference to claims 1, 14 and 21.

In view of the foregoing remarks, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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